

Appln No. 10/728,985
Amdt. Dated October 31, 2005
Response to Office Action of September 23, 2005

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REMARKS/ARGUMENTS**AMENDMENT**

In response to the Examiner's final Office Action of September 23, 2005 the Applicant respectfully submits the accompanying Amendment to the claims and the below Remarks directed thereto.

Claims 1-20 are currently pending in the present application. In the Amendment: independent claim 1 is further amended to clarify that the surface features of the first tool half have a converse shape to a part of shape of the caps and that it is this converse shape which is configured to mold and retain the caps for placement onto the wafer. Support for this amendment can be found, for example, at page 10, lines 4-17 of the present specification;

dependent claims 6 and 7 are amended to correct the recitation "mold" to --tool--, and claim 7 is further amended to conform with amended claim 1; and

dependent claims 2-5 and 8-20 are unchanged.

It is respectfully submitted that the above amendment does not add new matter to, nor any new issues to the prosecution of, the present application.

REMARKS***35 USC 102(e) Rejections***

It is respectfully submitted that the subject matter of further amended independent claim 1, and claims 2-6 and 19 dependent therefrom, is not disclosed by Salatino, for at least the following reasons.

Independent claim 1 has been further amended as discussed above in order to positively recite the structural features of the first tool half as required by the Examiner in the current Office Action. As discussed by the Applicant in the Reply to the previous Office Action these structural features of the first tool half are the surface features which are configured to provide a mold for the caps and to retain the caps after molding so that they can be placed onto the wafer. That is, it is the configuration of these surface features which provide this recited function (see page 6, lines 25-33 and page 8, line 12-page 10, line 28 of the present specification).

The Examiner contends that the silicon layer 261 of Salatino provides a surface which "is capable of being adapted for molding etc. and for subsequently retaining an array of caps. However, the surface of the silicon layer of Salatino does not have surface features which are configured to have a converse shape to a part of shape of the caps, where it is this converse shape which is configured to mold and retain the caps for placement onto the wafer, as required by amended claim 1.

Further, since in Salatino only discloses using deposition and etching techniques to form and shape the "cap" layer, there is no suggestion from the disclosure of Salatino for one of ordinary skill in the art to modify Salatino to provide surface features having such a converse shape.

Thus, the subject matter of amended claims 1-20 is not disclosed or suggested by Salatino.

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35 USC 103(a) Rejections

Miyajima in view of Cordes

It is respectfully submitted that the subject matter of further amended independent claim 1, and claims 2-20 dependent therefrom, is not taught or suggested by Miyajima in view of Cordes, for at least the following reasons.

As discussed above, in the claimed invention as amended the surface features of the first tool half are for molding the caps of the array and for subsequently retaining the array of molded caps for placement onto the wafer.

The Examiner contends that the combination of Miyajima and Cordes meets the limitations of pending independent claim 1 since "the prior art structure satisfies the claimed structural limitation". However, because Miyajima teaches the use of the release film to ensure the molded products are released from the molding dies after molding, it is clear that the molding dies of Miyajima do not have surface features configured to retain the caps for placement onto the wafer, as required by amended claim 1.

Further, Cordes fails to make up for these deficiencies in Miyajima for at least the reasons discussed in the Applicant's Reply to the previous Office Action.

Thus, the subject matter of amended claims 1-20 is not taught or suggested by Miyajima either taken alone or in combination with Cordes.

Yoshihara in view of Cordes

It is respectfully submitted that the subject matter of further amended independent claim 1, and claims 2-20 dependent therefrom, is not taught or suggested by Yoshihara et al. (USP 5,824,177) in view of Cordes, for at least the following reasons.

Yoshihara discloses a process in which an adhesive sheet 2 is placed on a jig 4 having recessed parts 4a and through holes 4b with the adhesive side of the sheet facing away from the jig surface. A vacuum is created via the through holes to shape the sheet into caps 2a by suction. A wafer 1 having microstructures 1a is then stuck to the sheet and the vacuum is shut off so that the wafer with the caps thereon can be removed from the jig (see col. 3, line 51-col. 5, line 11 of Yoshihara).

Thus, in Yoshihara it is the suction created by the vacuum which retains the caps on the jig, not the configuration of the recessed parts are required by amended claim 1.

Further, Cordes fails to make up for these deficiencies in Yoshihara for at least the reasons discussed in the Applicant's Reply to the previous Office Action.

Thus, the subject matter of amended claims 1-20 is not taught or suggested by Yoshihara either taken alone or in combination with Cordes.

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It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant:



KIA SILVERBROOK

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762